

**Nixon Peabody LLP**  
 Attorneys at Law

 Clinton Square  
 P.O. Box 31051  
 Rochester, New York 14603-1051  
 (585) 263-1000

Fax: (585) 263-1600

**PRIVILEGE AND CONFIDENTIALITY NOTICE**

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (585) 263-1000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

**FAX**

| To:                                    | Company                          | Fax #:         | Telephone #: |
|--|----------------------------------|----------------|--------------|
| 1) Examiner R. Hutson<br>Art Unit 1652 | U.S. Patent and Trademark Office | (703) 872-9306 |              |
| 2)                                     |                                  |                |              |
| 3)                                     |                                  |                |              |
| 4)                                     |                                  |                |              |
| 5)                                     |                                  |                |              |

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY &amp; CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

|                       |                        |   |  |
|-----------------------|------------------------|---|--|
| From: Edwin V. Merkel | Date: November 7, 2003 | No. of Pages:<br>(including this page) 21 |  |
| Comments:             |                        |   | <b>RECEIVED</b><br><b>CENTRAL FAX CENTER</b><br><br>NOV 07 2003<br><br><b>OFFICIAL</b> |

Original of the transmitted document will be sent by:

☐ First Class Mail☐ Overnight Mail☐ Hand Delivery☐ This transmission will be the only form of delivery of this document

**IF YOU DO NOT RECEIVE ALL OF THESE PAGES, PLEASE CONTACT THE FAX OPERATOR AS SOON AS POSSIBLE AT: (585) 263-1660 or 263-1000 (ext. 1660). THANK YOU.**

CONFIRMATION: DATE SENT \_\_\_\_\_ TIME \_\_\_\_\_ BY \_\_\_\_\_

 INTEROFFICE TO: 
 ☐ Albany 
 ☐ Boston 
 ☐ Buffalo 
 ☐ Garden City 
 ☐ Hartford 
 ☐ Manchester 
 ☐ New York City 
 ☐ Northern Virginia 
 ☐ Orange County 
 ☐ Providence 
 ☐ Rochester 
 ☐ San Francisco 
 ☐ Washington

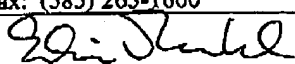
| To:                                    | Company                          | Fax #:         | Telephone #: |
|--|----------------------------------|----------------|--------------|
| 1) Examiner R. Hutson<br>Art Unit 1652 | U.S. Patent and Trademark Office | (703) 872-9306 |              |
| 2)                                     |                                  |                |              |
| 3)                                     |                                  |                |              |
| 4)                                     |                                  |                |              |
| 5)                                     |                                  |                |              |

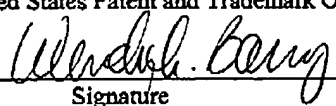
INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY &amp; CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

|                       |                        |   |                           |
|-----------------------|------------------------|---|---------------------------|
| From: Edwin V. Merkel | Date: November 7, 2003 | No. of Pages:<br>(including this page) 21 | Client/Matter: 22221/1030 |
| User #: 5420          | Ext: 1128              | Disbursement Amount: \$                   |                           |

|  |    |                        |                        |
|--|----|------------------------|------------------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> |    | Application Number     | 09/716,964             |
|  |    | Filing Date            | November 21, 2000      |
|  |    | First Named Inventor   | O'Donnell et al.       |
|  |    | Group Art Unit         | 1652                   |
|  |    | Examiner Name          | R. Hutson              |
| Total Number of Pages in This Submission   | 20 | Attorney Docket Number | 22221/1030 (RU 339CIP) |

| ENCLOSURES (check all that apply)  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply with Exhibits A-C<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> A copy of the Notice to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Declaration and Power of Attorney<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Application Data Sheet<br><input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures<br><input type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt<br><input checked="" type="checkbox"/> Notification Regarding Loss of Entitlement to Small Entity Status Pursuant to 37 CFR §§ 1.27(g)(2) and 1.28(c) |
| Remarks  |   | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |  |
|--|--|
| Firm or Individual name                    | Edwin V. Merkel<br>Nixon Peabody LLP<br>Clinton Square, P.O. Box 31051<br>Rochester, New York 14603-1051<br>Telephone: (585) 263-1128<br>Fax: (585) 263-1600 |
| Signature                                  | <br>Registration No. 40,087   |
| Date                                       | November 7, 2003   |

| CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]   |  |
|--|--|
| I hereby certify that this correspondence is being:  |  |
| <input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 |  |
| <input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.   |  |
| 11/7/03<br>Date  | <br>Signature<br>Wendy L. Barry<br>Typed or printed name |

# FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 55

Application Number 09/716,964  
Filing Date November 21, 2000  
First Named Inventor O'Donnell et al.  
Examiner Name R. Hutson  
Art Unit 1652  
Attorney Docket No. 22221/1030 (RU 339CIP)

Complete if known

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 14-1138

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description        | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 1001                  | 750                   | 2001                  | 375                   | Utility filing fee     |          |
| 1002                  | 330                   | 2002                  | 165                   | Design filing fee      |          |
| 1003                  | 520                   | 2003                  | 260                   | Plant filing fee       |          |
| 1004                  | 750                   | 2004                  | 375                   | Reissue filing fee     |          |
| 1005                  | 160                   | 2005                  | 80                    | Provisional filing fee |          |

SUBTOTAL (1)

(\$) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 15                 | -20** = 0    | X              | = 0      |
| Independent Claims | 2            | -3** = 0       | X = 0    |
| Multiple Dependent |              | X              | = 0      |

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| 1202                  | 18                    | 2202                  | 9                     | Claims in excess of 20                                     |
| 1201                  | 84                    | 2201                  | 42                    | Independent claims in excess of 3                          |
| 1203                  | 280                   | 2203                  | 140                   | Multiple dependent claim, if not paid                      |
| 1204                  | 84                    | 2204                  | 42                    | ** Reissue independent claims over original patent         |
| 1205                  | 18                    | 2205                  | 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$) 0

\*\*or number previously paid, if greater, for Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| 1051                  | 130                   | 2051                  | 65                    | Surcharge - late filing fee or oath  |
| 1052                  | 50                    | 2052                  | 25                    | Surcharge - late provisional filing fee or cover sheet                     |
| 1053                  | 130                   | 2053                  | 130                   | Non-English specification  |
| 1812                  | 2,520                 | 2052                  | 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |
| 1804                  | 920*                  | 1804                  | 920*                  | Requesting publication of SIR prior to Examiner action                     |
| 1805                  | 1,840*                | 1805                  | 1,840*                | Requesting publication of SIR after Examiner action                        |
| 1251                  | 110                   | 2251                  | 55                    | Extension for reply within first month                                     |
| 1252                  | 410                   | 2252                  | 205                   | Extension for reply within second month                                    |
| 1253                  | 930                   | 2253                  | 465                   | Extension for reply within third month                                     |
| 1254                  | 1,450                 | 2254                  | 725                   | Extension for reply within fourth month                                    |
| 1255                  | 1,970                 | 2255                  | 985                   | Extension for reply within fifth month                                     |
| 1401                  | 320                   | 2401                  | 160                   | Notice of Appeal   |
| 1402                  | 320                   | 2402                  | 160                   | Filing a brief in support of an appeal                                     |
| 1403                  | 280                   | 2403                  | 140                   | Request for oral hearing   |
| 1451                  | 1,510                 | 1451                  | 1,510                 | Petition to institute a public use proceeding                              |
| 1452                  | 110                   | 2452                  | 55                    | Petition to revive - unavoidable   |
| 1453                  | 1,300                 | 2453                  | 650                   | Petition to revive - unintentional   |
| 1501                  | 1,300                 | 2501                  | 650                   | Utility issue fee (or reissue)   |
| 1502                  | 470                   | 2502                  | 235                   | Design issue fee   |
| 1503                  | 630                   | 2503                  | 315                   | Plant issue fee  |
| 1460                  | 130                   | 1460                  | 130                   | Petitions to the Commissioner  |
| 1807                  | 50                    | 1807                  | 50                    | Processing fee under 37 CFR 1.17(q)  |
| 1806                  | 180                   | 1806                  | 180                   | Submission of Information Disclosure Stmt                                  |
| 8021                  | 40                    | 8021                  | 40                    | Recording each patent assignment per property (times number of properties) |
| 1809                  | 750                   | 2809                  | 375                   | Filing a submission after final rejection (37 CFR 1.129(a))                |
| 1810                  | 750                   | 2810                  | 375                   | For each additional invention to be examined (37 CFR 1.129(b))             |
| 1801                  | 750                   | 2801                  | 375                   | Request for Continued Examination (RCE)                                    |
| 1802                  | 900                   | 1802                  | 900                   | Request for expedited examination of a design application                  |

Notification Regarding Loss of Entitlement to Small Entity Status

55

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 55

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop  
Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

11/7/03  
Date

Signature

Wendy L. Barry

Typed or printed name

## SUBMITTED BY

| Name (Print/Type) | Registration No. (Attorney/Agent) | Telephone        |
|-------------------|-----------------------------------|------------------|
| Edwin V. Merkel   | 40,087                            | (585) 263-1128   |
| Signature         | Date                              | November 7, 2003 |

SEND TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PATENT

Docket No.: 22221/1030 (RU 339CIP)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|            |   |                                |   |           |
|------------|---|--------------------------------|---|-----------|
| Applicants | : | O'Donnell et al.               | ) | Examiner: |
|            |   |                                | ) | R. Hutson |
| Serial No. | : | 09/716,964                     | ) |           |
|            |   |                                | ) | Art Unit: |
| Cnfrm No.  | : | 2211                           | ) | 1652      |
|            |   |                                | ) |           |
| Filed      | : | November 21, 2000              | ) |           |
|            |   |                                | ) |           |
| For        | : | ENZYMES DERIVED FROM           | ) |           |
|            |   | THERMOPHILIC ORGANISMS THAT    | ) |           |
|            |   | FUNCTION AS A CHROMOSOMAL      | ) |           |
|            |   | REPLICASE, AND PREPARATION AND | ) |           |
|            |   | USES THEREOF                   | ) |           |

**NOTIFICATION REGARDING LOSS OF ENTITLEMENT  
TO SMALL ENTITY STATUS PURSUANT TO 37 CFR §§ 1.27(g)(2) and 1.28(c)**

Mail Stop:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby advise the U.S. Patent and Trademark Office ("PTO") that on or about February 1, 2003, the above-identified application was licensed to a large entity. Pursuant to 37 CFR § 1.28(b), it is therefore requested that the small entity status accorded to the present application be withdrawn and that this application be given large entity status.

Pursuant to 37 CFR § 1.28(c), the PTO is hereby authorized to charge Deposit Account No. 14-1138 in the amount of \$55.00, which represents the deficiency payment due for the above-identified application as shown in the itemization below.

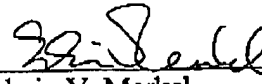
| Date                    | Action - Fees Paid  | Amount Paid<br>(Small Entity) | Current Fee<br>(Large Entity) | Amount Owed |
|-------------------------|---------------------|-------------------------------|-------------------------------|-------------|
| March 18, 2003          | One-Month Extension | \$55                          | \$110                         | \$55        |
| Current Deficiency Owed |                     |                               |                               | \$55        |

- 2 -

The Commissioner is authorized to charge any other necessary fees or credit any overpayment to the above-noted Deposit Account.

Respectfully submitted,

Date: November 7, 2003

  
Edwin V. Merkel  
Registration No. 40,087

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1128  
Facsimile: (585) 263-1600

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

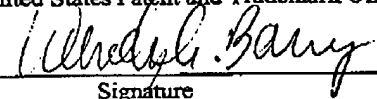
I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop \_\_\_\_\_, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

11/7/03

Date

Typed or printed name

  
Signature  
Wendy L. Barry